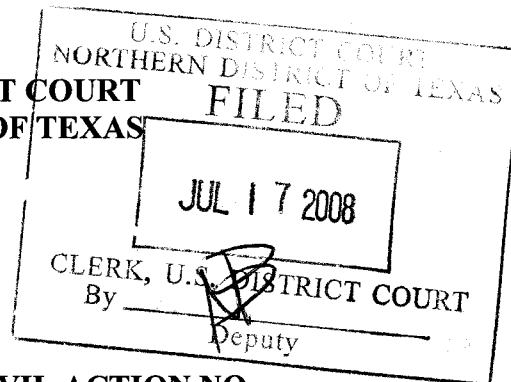


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



GEORGIA LYNN DUREE-BARR,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC.,

Defendant.

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CIVIL ACTION NO. \_\_\_\_\_

**3-08CV1216-M**

JURY DEMANDED

**DEFENDANT HOME DEPOT U.S.A., INC.'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant Home Depot U.S.A., Inc. ("Home Depot" or "Defendant"), who files this its Notice of Removal on the basis of diversity jurisdiction, and would show the Court as follows:

1. Home Depot U.S.A., Inc. is a defendant in a civil action pending in the County Court at Law No. 2 of Dallas County, Texas, entitled *Georgia Lynn Duree-Barr vs. Home Depot U.S.A., Inc.*; Cause No. CC-08-04646-B (hereinafter referred to as the "State Court Action"). True and correct copies of all process, pleadings, and orders served upon Home Depot in the State Court Action are attached hereto as Exhibits "A" and "B," as required by 28 U.S.C. § 1446(a).

2. The State Court Action was filed on May 21, 2008. Home Depot was served with process on June 19, 2008 and filed its Original Answer on July 1, 2008.

3. In her Original Petition, the Plaintiff did not specify the total amount of damages she is seeking in the lawsuit. However, in the Petition, the Plaintiff does contend that, as a result of the alleged incident in her Petition, she was diagnosed with: (1) costochondritis of the upper rib cage; (2) a fractured right wrist; (3) injuries to her thighs, knees and shins; and (4) medial meniscus tear of

her left knee. The Plaintiff additionally alleges that she underwent surgery on her left knee as a result of the incident. In addition to the injuries listed above, the Plaintiff has also pled for damages for past and future medical expenses, lost wages, pain and suffering and mental anguish, and physical impairment. Based upon the nature and extent of the injuries claimed, the alleged knee surgery, and the other damages claimed by the Plaintiff, both in the past and future, it is likely that Plaintiff's damages are likely in excess of \$75,000.00. This Notice of Removal, therefore, is timely filed within thirty (30) days of service of process of Plaintiff's lawsuit upon Home Depot. *See 28 U.S.C. § 1446(b).*

4. Plaintiff Georgia Lynn Duree-Barr is a citizen of the State of Texas.

5. Home Depot is a corporation incorporated under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia. Consequently, Home Depot is a citizen of the States of Delaware and Georgia, and the district courts of the United States have original jurisdiction over this action based on complete diversity of citizenship amongst and between the parties, in that Plaintiff and Home Depot are now and were at the time this action commenced, diverse in citizenship from each other.

6. The amount in controversy in the State Court Action is in excess of \$75,000.00, exclusive of interests and costs. Accordingly, the State Court Action is within the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as it is a civil action wholly between citizens of different states, and, the amount in controversy is in excess of the Court's jurisdictional minimum for diversity cases.

7. Under 28 U.S.C. § 1446(a), venue of the removed action is proper in this Court as it is the district and division embracing the place where the State Court Action is pending.

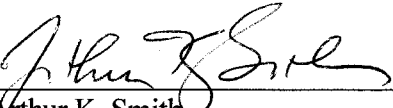
8. Pursuant to 28 U.S.C. § 1446(d), Home Depot will promptly give written notice of

the filing of this notice of removal to Plaintiff and will further file a copy of this Notice of Removal with the County Court Clerk of Dallas County, Texas, where the action was previously pending.

9. **Jury Demand** – Home Depot hereby requests trial by jury on all issues and claims in this cause.

WHEREFORE, Home Depot U.S.A., Inc. hereby removes the case styled *Georgia Lynn Duree-Barr vs. Home Depot U.S.A., Inc.*; Cause No. CC-08-04646-B, and respectfully request that this Court assume full jurisdiction of this proceeding for all purposes as if originally filed in this Court, including but not limited to issuing any orders necessary to stay proceedings in the State Court Action.

Respectfully submitted,

By:   
Arthur K. Smith  
Attorney-in-Charge  
Texas State Bar No. 18534100 ✓

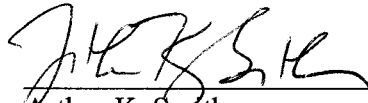
LAW OFFICES OF ARTHUR K. SMITH,  
A Professional Corporation

507 Prestige Circle  
Allen, Texas 75002  
Telephone: (469) 519-2500  
Facsimile: (469) 519-2555

ATTORNEY FOR DEFENDANT  
HOME DEPOT U.S.A., INC.

**CERTIFICATE OF SERVICE**

On the 16<sup>th</sup> day of July, 2008, a true and correct copy of the above and foregoing pleading was served upon counsel for the Plaintiff via Certified Mail, Return Receipt Requested in accordance with Rule 5 of the Federal Rules of Civil Procedure.

  
\_\_\_\_\_  
Arthur K. Smith

158908.360\Federal.Notice of Removal

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**GEORGIA LYNN DUREE-BARR,**

**Plaintiff,**

**vs.**

**HOME DEPOT U.S.A., INC.,**

**Defendant.**

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**CIVIL ACTION NO. \_\_\_\_\_**

**JURY DEMANDED**

**INDEX OF DOCUMENTS FILED WITH NOTICE OF REMOVAL**

**EXHIBIT A** Index of Documents Filed with Notice of Removal

**EXHIBIT B** State Court Documents

<b><u>TAB NO.</u></b>	<b><u>STATE COURT DOCUMENT</u></b>	<b><u>DATE FILED</u></b>
1	Court's Docket Sheet	N/A
2	Plaintiff's Original Petition	05/21/08
3	Return of Citation for Defendant Home Depot U.S.A., Inc.	06/26/08
4	Defendant Home Depot U.S.A., Inc.'s Original Answer and Special Exceptions to Plaintiff's Original Petition	07/02/08

158908.360\Fed-Not-Removal Index

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**EXHIBIT A**  
**INDEX OF STATE COURT DOCUMENTS FILED WITH NOTICE OF REMOVAL**

1

## JUDGE'S DOCKET,

Action: Filing: No. \_\_\_\_\_

PARTIES

ATTORNEYS

JURY FEE PAID

**CC-08-04646-B**

Filed: 05/21/2008

**DAMAGES (NON COLLISION)** County Court at Law No. 2**GEORGIA LYNN DUREE-BARR vs. HOME DEPOT USA, INC.**Plaintiff  
**DUREE-BARR, GEOR**Lead Attorney  
**CREEVY, NGOC-ANH**

24001152

Defendant  
**HOME DEPOT USA,**

Lead Attorney

445 Walnut St., Ste 113  
Richardson, TX 75081  
214-516-9322-214-231-2824-fax

SEP 26 2008

SETTINGS

V LTR

12



CAUSE NO. CC-08-04646-B

GEORGIA LYNN DUREE-BARR  
Plaintiff,

V

HOME DEPOT USA, INC.  
Defendant.

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IN THE COUNTY COURT

AT LAW NO. Q

DALLAS COUNTY, TEXAS

RECEIVED  
08 JUN 19 PM 2:17  
TRAVIS COUNTY CONSTABLE  
PCT 1

---

**PLAINTIFF'S ORIGINAL PETITION with REQUEST FOR DISCLOSURE**

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TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES GEORGIA LYNN DUREE-BARR ("PLAINTIFF"), complaining of  
HOME DEPOT USA, INC. ("DEFENDANT") and for cause of action would respectfully  
show as follows:

I.  
**DISCOVERY CONTROL PLAN**

1. Plaintiff alleges that the discovery is intended to be conducted under  
discovery control plan "Level 2" pursuant to Rule 190.3 of the Texas Rules of Civil  
Procedure.

II.  
**PARTIES**

2. Plaintiff is a resident of Dallas County, Texas. The last three numbers of  
Plaintiff's social security number are: 674.

3. Defendant Home Depot USA, Inc. is a Delaware corporation authorized to do  
business in the state of Texas and in Dallas County and may be served with service of  
process by and through its registered agent, Corporation Service Company d/b/a CSC-

Lawyers Inco at the registered address located at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

**III.**  
**JURISDICTION AND VENUE**

4. This Court has jurisdiction because the damages set forth below are within the jurisdictional limits of the Court. This Court has venue over this matter because Defendant is a resident of Dallas County, Texas and the cause of action arose in Dallas County, Texas.

**IV.**  
**CAUSE OF ACTION: NEGLIGENCE**

5. On or about May 22, 2006, Plaintiff was shopping at the Home Depot located at 3855 S. Carrier Parkway, Grand Prairie, Texas 75052. Plaintiff was shopping for a hanging basket directly in front of the Home Depot store in some aisle way located in front of the Home Depot store. The aisles had shelving approximately 6 foot high containing flowers, planters, and hanging baskets. Plaintiff had reached for a hanging basket and began to turn around. Defendant failed to clear a flatbed cart in its aisle causing Plaintiff to trip over the flatbed cart and fall violently. Plaintiff fell directly onto the asphalt floor hitting her shins on the edge of the cart as well as striking her knees on the cart. Plaintiff's chest and chin then hit the floor. Plaintiff sustained a strained right wrist, contusions and strain to her chest, thighs, knees, and shins. Plaintiff sought medical treatment as a result of her injuries. Plaintiff was diagnosed with 1) costochondritis of the upper rib cage; 2) contusions and strain to her thighs, knees, and shins; 3) right wrist pisiform fracture; and 4) medial meniscus tear of the left knee. Plaintiff also required left knee arthroscopy surgery as a result of the incident.

6. The fall in question was a direct and proximate result of the negligence of Defendant, as more particularly set forth below. Plaintiff was an invitee. Defendant was a possessor of the premises. A condition on the premises posed an unreasonable risk of harm. Defendant knew or reasonably should have known of the danger. Defendant breached its duty of ordinary care by both 1) failing to adequately warn Plaintiff of the condition and 2) failing to make the condition reasonably safe. In this instance, Defendant owed a duty of ordinary care to Plaintiff. Defendant breached its duty of ordinary care to Plaintiff. Defendant has the duty of ordinary care to keep the premises in reasonably safe condition. Defendant owned the duty to inspect the premises to discover any premises defects or other dangerous conditions that a reasonably careful inspection would reveal. Defendant owed Plaintiff the duty to warn or make the condition safe. Defendant's lack of care proximately caused Plaintiff's injuries.

7. Defendant failed to use ordinary care by various acts and omissions, including the following, each of which singularly or in combination with others, was a proximate cause of the occurrence and damages in question:

- a. Failed to clear its aisles;
- b. Failed to provide any written notice or markings of flatbeds in its aisles; and/or
- c. Failed to provide any audible sounds of flatbeds in its aisles.

**V.  
DAMAGES**

8. Plaintiff incorporates the above and foregoing paragraphs 5 -7, as if they were copied verbatim herein and set forth at length. As a result of Defendant's negligence, Plaintiff was physically injured. Plaintiff sought medical treatment as a result of the incident.  
PLAINTIFF'S ORIGINAL PETITION with REQUEST FOR DISCLOSURE - Page 3 of 5

Plaintiff now seeks to recover her past and future medical expenses, past and future lost wages and expenses, past and future pain and suffering, and mental anguish, and past and future physical impairments.

**VI.**  
**JURY DEMAND**

Plaintiffs request that a jury decide the factual issues of this case.

**VII.**  
**REQUEST FOR DISCLOSURE TO PLAINTIFF**

Under Texas Rules of Procedure 194, Plaintiff requests that Defendant disclose within 50 days of service of this request, the information or material described in Rule 194.2 (a) to (i).

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that Defendant be duly cited to appear and answer herein; that upon final trial of this cause, Plaintiff recover from Defendant:

1. judgment against Defendant for damages as set forth above;
2. interest on such judgment at the legal rate from the date of judgment;
3. pre-judgment interest as allowed by law;
4. costs of court; and
5. such other and further relief, either equitable or legal, to which Plaintiff may be entitled.

Respectfully Submitted,

**N. THERESA BUI CREEVY, P.C.**



---

N. Theresa Bui Creevy  
State Bar No. 24001152  
445 Walnut Street, Suite 113  
Richardson, TX 75081  
Telephone No: (214) 546-9322  
Facsimile No: (214) 231-2826

**ATTORNEY FOR PLAINTIFF**

13

FILED

CAUSE NO. CC-08-04646-B  
COUNTY COURT OF DALLAS COUNTY COURT AT LAW  
Dallas County, Texas

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

TO: HOME DEPOT USA, INC.  
SERVE THROUGH CORPORATION SERVICE COMPANY REG AGENT  
D/B/A CSC-LAWYERS  
701 BRAZOS ST STE 1050  
AUSTIN TX 78701

Page 15 of 14  
You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of County Court at Law No. 2 of Dallas County, Texas, at the Court House of said County 600 Commerce Street Suite 101, Dallas, Texas 75202.

PLAINTIFF  
GEORGIA LYNN DUREE-BARR

VS. HOME DEPOT USA, INC.  
DEFENDANT, filed in said Court on the 21st day of May, 2008, a copy of which accompanies this citation.

JENESS: JOHN WARREN, Clerk of the County Courts of Dallas County, Texas.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 21<sup>ST</sup> day of May, 2008 A.D.

JOHN WARREN, Clerk, County Court, Dallas County Court at Law No. 2, Dallas County, Texas.

By ANDRANETTE IVY, Deputy

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

RECEIVED  
CITATION

08 CC-08-04646-B 2:17

IN THE COUNTY COURT OF DALLAS  
County Court at Law No. 2  
Dallas County, Texas

GEORGIA LYNN DUREE-BARR  
Plaintiff  
VS.

HOME DEPOT USA, INC.  
Defendant

HOME DEPOT USA, INC.  
SERVE THROUGH CORPORATION  
SERVICE COMPANY REG AGENT  
D/B/A CSC-LAWYERS  
701 BRAZOS ST STE 1050  
AUSTIN TX 78701

ISSUED THIS  
21<sup>ST</sup> day of May, 2008

John F. Warren, County Clerk  
BY: ANDRANETTE IVY, Deputy

Attorney for Plaintiff  
NGOC-ANH T BUI CREEVY  
445 WALNUT STREET  
SUITE 113  
RICHARDSON, TX 75081  
214-575-9191

NO OFFICER'S FEES HAVE BEEN  
COLLECTED BY DALLAS COUNTY CLERK



**County of  
TRAVIS**  
STATE OF TEXAS

LUKE MERCER  
CONSTABLE  
PRECINCT 1

1811 SPRINGDALE ROAD  
SUITE 120  
AUSTIN, TEXAS 78721  
PHONE 929-9273  
FAX 929-0981

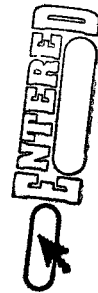
DATE: 6-19-08

Reference Cause # CC-08-04646B

☒ Was served on 6/19 2008 at 9:00 (am/pm)

Place of Service:

- ☐ Secretary of State
- ☐ Commissioner of Insurance
- ☐ Highway Commission
- ☐ Attorney General
- ☐ Texas Employment Commission
- ☐ Farmers Ins. Group
- ☐ State Farm Insurance
- ☐ Prentice Hall ☐ U.S. Corp
- ☐ other Corporate Securo



Person accepting Service: Chris Hough

Service of:

- ☒ Citation
- ☐ TRO
- ☐ Writ
- ☐ Summons
- ☐ Other \_\_\_\_\_

# of documents 1

☐ Was not served for the following reason(s) \_\_\_\_\_

☐ OTHER \_\_\_\_\_

Luke W. Mercer

LUKE W. MERCER  
Travis County Constable, Pct. 1

By Officer \_\_\_\_\_

Unit 104



14

CAUSE NO. CC-08-04646-B

2008 JUL -2 AM 11:34  
JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

GEORGIA LYNN DUREE-BARR,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC.,

Defendant.

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IN THE COUNTY COURT OF

AT LAW NO. 2

DALLAS COUNTY, TEXAS

**DEFENDANT HOME DEPOT U.S.A., INC.'S ORIGINAL  
ANSWER AND SPECIAL EXCEPTIONS TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE:

COMES NOW Home Depot U.S.A., Inc. (hereinafter referred to as "Defendant"), Defendant in the above-entitled and numbered cause, and for its Original Answer and Special Exceptions to Plaintiff's Original Petition would respectfully show unto the Court as follows:

**SPECIAL EXCEPTIONS**

**I.**

Defendant specially excepts to Plaintiff's Original Petition (the "Petition") in its entirety on the grounds that it fails to specify the maximum damages sought; and pursuant to Tex. R. Civ. P. 47, requests that Plaintiff be required to specify the maximum amount of damages sought in this proceeding. Of which special exception, Defendant prays judgment of the Court.

**II.**

Defendant specially excepts to paragraph 5 of the Petition wherein Plaintiff seeks recovery for unspecified past and future lost earnings and medical expenses and pursuant to Tex. R. Civ. P. 56, requests that Plaintiff be required to itemize all special damages for which she seeks recovery. Of which special exception, Defendant prays judgment of the Court.

III.

Defendant further specially excepts to the prayer for relief of the Petition wherein it is alleged that Plaintiff seeks recovery for "such other and further relief, either equitable or legal, to which Plaintiff may be entitled." Defendant is entitled to know the specific types of relief for which Plaintiff seeks recovery; accordingly, this global claim for relief should be stricken or, in the alternative, Plaintiff should be required to replead to specifically identify each type of damages for which she seeks recovery. Of which special exception, Defendant prays judgment of the Court.

ORIGINAL ANSWER

IV.

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant hereby enters a general denial, and demands that Plaintiff be required to prove her allegations by a preponderance of the evidence.

V.

Defendant affirmatively alleges that Plaintiff's own negligence was the sole proximate cause, or alternatively, a proximate cause of the incident made the basis of this suit and Plaintiffs' damages, if any.

VI.

In the alternative, Defendant further pleads that the incident in question was proximately caused by one or more third parties over whom this Defendant had no control or right of control.

VII.

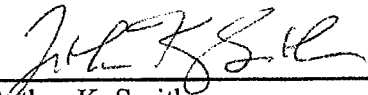
Pursuant to the Texas Government Code § 52.046 (Vernons 1998), Defendants request that a court reporter attend all sessions of the Court in conjunction with this civil action.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by

this action and that Defendant be dismissed with its costs, and for such other relief, both general and specific, at law or in equity, to which Defendant may be justly entitled.

Respectfully submitted,

LAW OFFICES OF ARTHUR K. SMITH,  
A Professional Corporation

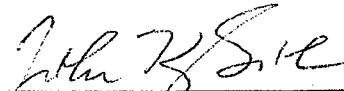
By:   
Arthur K. Smith  
State Bar No. 18534100

507 Prestige Circle  
Allen, Texas 75002  
Telephone: (469) 519-2500  
Facsimile: (469) 519-2555

ATTORNEY FOR DEFENDANT  
HOME DEPOT U.S.A., INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 1<sup>st</sup> day of July, 2008, a copy of the foregoing pleading was forwarded via facsimile and/or via First Class United States mail to Plaintiff's counsel.

  
Arthur K. Smith

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Georgia Lynn Duree-Barr

(b) County of Residence of First Listed Plaintiff Dallas County, TX  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

N. Theresa Bui Creevy, N. Theresa Bui Creevy, P.C., 445 Walnut St., Ste. 113, Richardson, TX 75081 (214) 546-9322

## DEFENDANTS

Home Depot USA, Inc.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Arthur K. Smith, Law Offices of Arthur K. Smith, 5000 Prestige Circle, Allen, TX 75002 (469) 519-2500

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☒ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC Section  
1332

Brief description of cause:

premises liability

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

not specified

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

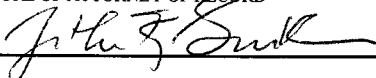
JUDGE

DOCKET NUMBER

DATE

7/16/08

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

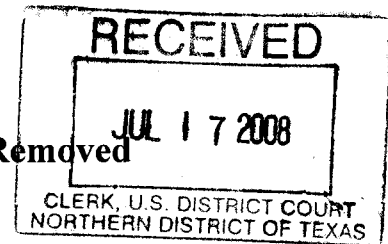
MAG. JUDGE

ORIGINAL

United States District Court  
Northern District of Texas

3-08CV1216-M

Supplemental Civil Cover Sheet For Cases Removed  
From State Court



This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

Court

Case Number

County Court at Law No. 2  
Dallas County, Texas

CC-08-04646-B

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party and Party Type

Attorney(s)

Georgia Lynn Duree-Barr  
*Plaintiff*

N. Theresa Bui Creevy  
N. Theresa Bui Creevy, P.C.  
445 Walnut Street, Suite 113  
Richardson, TX 75081  
Telephone: (214) 546-9322  
Facsimile: (214) 231-2826

Home Depot U.S.A., Inc.  
*Defendant*

Arthur K. Smith  
State Bar No. 18534100  
LAW OFFICES OF ARTHUR K. SMITH,  
a Professional Corporation  
507 Prestige Circle  
Allen, TX 75002  
Telephone: (469) 519-2500  
Facsimile: (469) 519-2555

**3. Jury Demand:**

Was a Jury Demand made in State Court?   X   Yes        No

If "Yes," by which party and on what date?

Plaintiff  
Party

May 21, 2008  
Date

**4. Answer:**

Was an Answer made in State Court?   X   Yes        No

If "Yes," by which party and on what date?

Home Depot U.S.A., Inc.  
Party

July 1, 2008  
Date

**5. Unserved Parties:**

The following parties have not been served at the time this case was removed:

Party

Reason(s) for No Service

None.

**6. Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

Party

Reason

None.

**7. Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

**Party**

Plaintiff

Defendant

**Claim(s)**

Premises Liability

Deny All Claims